



Serial No. 01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

Cont.Cas(C) No. 4 of 2026

Date of Decision: 20.02.2026

The Shillong Club Ltd.,
 A company registered under the
 provisions of the Companies Act, 1956,
 having its registered office at Kachari Point,
 Shillong, 793001, represented by its Director.

..... **Petitioner**

- Vs -

1. Shri Nathaniel Thangkhiew,
 Joint Rangbah Kur, Thangkhiew
 Laikpoh, Nongkseh Rim,
 Myllem Syiemship, Upper
 Shillong- 793005 Meghalaya.
2. Shri A. Luckystar
 Thangkhiew, Joint Rangbah Kur,
 Thangkhiew Laikpoh, Nongkseh Rim,
 Myllem Syiemship, Upper
 Shillong- 793005, Meghalaya.

..... **Respondents/Contemnors**

Coram:

Hon'ble Mr. Justice W. Diengdoh, Judge

- | | | |
|-----|---|--------|
| i) | Whether approved for reporting in
Law journals etc.: | Yes/No |
| ii) | Whether approved for publication
in press: | Yes/No |

**Appearance:**

For the Petitioner/Appellant(s) : Mr. S. Jindal, Adv
Ms. A. Nongbri, Adv

For the Respondent(s) : Mr. H.L. Shangreiso, Sr. Adv
Mr. T. Dkhar, Adv
Ms. D. Lyngdoh, Adv.

ORDER (ORAL)

1. Heard Mr. S. Jindal, learned counsel for the petitioner, who has submitted that this Court vide order dated 17.02.2026 has decided the case of the parties herein, in Second Appeal No. 4 of 2023, wherein, on consideration of the impugned judgment and order dated 05.10.2023, passed by the First Appellate Court as well as the related judgment and order dated 23.12.2015, passed by the Trial Court, had dismissed the said Second Appeal, though such dismissal being conditional.

2. The learned counsel has also pointed out that the dispute between the parties primarily revolves around a land covered by a Lease Deed 20.03.1923, which is a lease agreement entered into between the parties for that piece and parcel of land measuring about 10.19 acres. This Court has come to a finding that the said land is in the possession of the petitioner club and that such possession has not been disturbed in any way.

3. The learned counsel went on to submit that the respondents on 18.02.2026, a day after the said judgment was passed has engaged workers to



erect bamboo and wire fencing on the southern side of the suit property. This portion measuring approximately 5.030 acres, is part of the 10.19 acres which is the suit land in question.

4. The learned counsel has reiterated that this Court in the Second Appeal at para 49 of the judgment (supra) has observed that there is no finding or direction which has specifically bestowed the respondent clan with any relief, for example, that the respondents are allowed to take possession of the suit land. The suit land would remain intact as the possession of the appellant club over such land has not been disturbed. Therefore, the action of the respondents are designed to overturn and disregard the findings of this Court and for such wilful violation, disregard and disobedient of this judgment dated 17.02.2026, the respondents may be called upon to appear in person and to show cause as to why necessary order for such act contempt be not passed against them.

5. The learned counsel has further submitted that, though, there is no specific prohibition or direction issued upon the respondents in this regard, however, the conduct of the respondents was aimed at frustrating court proceedings and also to take advantage of the dismissal of the Second Appeal by this Court, even though, the said dismissal is conditional in nature. The respondents could have resorted to valid legal procedure, if they are so



aggrieved, but as has been submitted, the manner in which they have conducted themselves, would demonstrate the fact that they have no regard for due process of law. In this connection, the case of Celir LLP vs. Sumati Prasad Bafna and Ors, 2024 SCC OnLine SC 3727, para 199 and 200 have been referred in support of this contention.

6. Maintaining that the said violation or rather the said action of the respondents on the suit land is continuing till date, the learned counsel has submitted that the court in contempt proceedings can also resort to restitutive measures at any stage of the proceedings. The authority to back this contention was referred to being the case of Amit Kumar Das, Joint Secretary, Baitanik, A Registered Society v. Shrimati Hutheesingh Tagore Charitable Trust, (2024) 11 SCC 679, para 15, 16 and 17, wherein the Supreme Court citing several judgments have observed that when there is any disobedient and wilful violation of a courts order, the court has a duty to issue appropriate directions for remedying or rectifying the things done in violation and to take restitutive measure at any stage of the proceedings. This is to ensure that the contemnor does not continue to enjoy the benefits of his disobedient by merely suffering the punishment meted out to him. The said principle being reiterated in the case of DDA v. Skipper Construction Co. Ltd also in case of Mohd. Idris vs.



Rustam Jehangir Babuji. This Court, therefore, can also apply this principle and pass necessary direction in this instant case.

7. In reply, Mr. H.L. Shangreiso, learned Sr. counsel along with Mr. T. Dkhar, learned counsel who has entered appearance on behalf of the respondents, has submitted that though, there are two respondents herein, the respondent No. 2 has however expired in the year 2024, as such, defence is made on behalf of respondent No. 1 herein.

8. The learned Sr. counsel has also narrated the case of the parties to say that the suit land which is under adjudication before the Trial Court refers to the land measuring about 10.19 acres. It is on record that apart from the suit land, there is an area of 6.72 acres which figures in the Lease Deed of 1914 executed between the parties, making the total area under lease to be 16.91 acres, but by virtue of the Lease Deed of 1923, 6.72 acres of the land have been retained by the respondent's clan. The respondents herein are concerned only with that portion of land falling within 6.72 acres. The cause of action arose when the petitioner club has made a claim that the 6.72 acres of land is part of the suit land.

9. The learned Sr. counsel has submitted that no act of contempt whatsoever has been committed by the respondents, since whatever action has been taken is only within the plot of land situated outside the suit land, that is,



not touching the boundaries of the 10.19 acres land. The petitioner club has raised the same issue of alleged encroachment on their land and want to succeed in this contempt proceeding what they could not do so before the Trial Court and the First Appellate Court. The way the petitioner club has interpreted the judgment of this Court is as, if they have got their relief, but the fact remains that it is not so. On the point of conflict or presence of two interpretations of the judgment in question, the respondents holding one view, the act or acts cannot be ascribed to be otherwise contumacious in nature. In such a case, success in a contempt petition would not arise as has been held by the Supreme Court at para 15 in the case of *Anil Ratan Sarkar and Ors. v. Hirak Ghosh and Ors.*, reported in (2002) 4 SCC 21.

10. The learned Sr. counsel has also submitted that the law is clear that in contempt proceedings, no further direction would be issued by the court. This has been observed in the case of **V.M. Manohar Prasad v. N. Ratnam Raju and Anr, (2004) 13 SCC 610**, para 7, the relevant portion being reproduced as under:

“7. ...There is no doubt about the position under the law that in contempt proceedings no further directions could be issued by the court. In case it is found that there is violation of the order passed by the court the court may punish the contemnor otherwise notice of contempt is to be discharged. An order passed in the contempt petition, could not be a supplemental order to the main order granting relief....”



11. Yet another contention raised by the learned Sr. counsel is that in a contempt proceeding, the only question to be answered by the court is whether the order in question has been complied with or not. It is not open for such court to re-examine the correctness of the earlier decision and to take a different view. This aspect is to be considered by a higher court, if so approach. At para 5 in the case of **Prithawi Nath Ram v. State of Jharkhand and Ors, (2004) 7 SCC 261**, the Supreme Court has held as follows:

5. While dealing with an application for contempt, the court is really concerned with the question whether the earlier decision which has received its finality had been complied with or not. It would not be permissible for a court to examine the correctness of the earlier decision which had not been assailed and to take a view different than what was taken in the earlier decision. A similar view was taken in *K.G. Derasari v. Union of India, (2001) 10 SCC 496*. The court exercising contempt jurisdiction is primarily concerned with the question of contumacious conduct of the party who is alleged to have committed default in complying with the directions in the judgment or order. If there was no ambiguity or indefiniteness in the order, it is for the party concerned to approach the higher court if according to him the same is not legally tenable. Such a question has necessarily to be agitated before the higher court. The court exercising contempt jurisdiction cannot take upon itself power to decide the original proceedings in a manner not dealt with by the court passing the judgment or order.....”

12. It is therefore, the assertion of the learned Sr. counsel that no contempt of this Court’s order has been made out by the petitioner, and as such, this petition may be dismissed at the threshold.



13. This Court upon hearing of the parties have also perused the petition in hand. The case of the petitioner is that the parties herein are the contesting parties in the said Second Appeal No .4 of 2023 which was since disposed of by this Court vide order dated 17.02.2026, the same being accordingly dismissed.

14. The grievance of the petitioner club herein is that inspite of this Court holding and maintaining the right of the petitioner club to possess the suit land measuring about 10.19 acres, the respondents in violation of this finding, has entered into the suit land by engaging workers to erect bamboo and barbed wire fencing on the southern side of the suit property. This action according to the petitioner club constitutes an act of contempt of this Court's order for which necessary proceedings is required to be initiated against the respondents.

15. It is the further contention of the petitioner club that the land which was attempted to be fence measures about 5.030 acres, and such land is within the 10.19 acres land of the petitioner club, and as such, the claim of the respondents that there is an adjacent land of 6.72 acres belonging to the clan of the respondents belie this fact.

16. The respondents on the otherhand, has insisted that the claim of the respondents is not connected to the 10.19 acres of land, but is confined



only to 6.72 acres of land situated on the southern side of the land of the petitioner club, and as such, the action taken by the respondents to fence of the area is not connected to the suit land, and accordingly, there has been no act of contempt committed, either wilfully or unintentionally.

17. It need not be reminded that in a case where contempt or wilful violation or deliberate disobedience of a court's order or direction has been made out, the court would initiate necessary proceedings by calling upon the alleged contemnor to show cause etc. However, prima facie, case has to be made out to warrant such proceedings.

18. In the case between the parties herein, what is borne out from evidence is that, there is a parcel of land measuring about 10.19 acres and another plot measuring about 6.72 acres situated side by side. Though the respondents have been making a claim as far as the said 6.72 acres of land is concerned, the petitioner club have also categorically admitted that they are not claiming that portion of land measuring 6.72 acres, but by virtue of the 1923 Lease Deed, 10.19 acres of land is within their possession for perpetuity. Therefore, when this issue was settled by, firstly the Trial Court and then the First Appellate Court and finally by this Court, the alleged action of the respondents can be understood as an interpretation of the related judgments by the said respondents.



19. What has been brought out by the petitioner at this point of time is another factual aspect of the matter in the form of the introduction of the said plot of land measuring about 5.030 acres. This area has never figured in the pleadings of the parties before the courts below. As such, in this instant petition, the same cannot be taken note being a disputed question of facts.

20. Though the petitioner has annexed a number of photographs to buttress his contention, on perusal of the same, this Court is unable to comprehend as to the exactness of such extra-judicial evidence at this juncture. The petitioner would be better off to approach the proper forum for settlement of his grievance.

21. It is also an admitted fact that the petitioner club has filed a related complaint before the police authorities, however, since there was no apparent response, this instant petition was filed.

22. Since the petitioner club has resorted to an alternative legal remedy, the outcome of the same may be awaited.

23. Being persuaded by the proposition put forth by the learned Sr. counsel for the respondents, and under the facts and circumstances indicated herein, prima facie, no act of contempt has been made out at this stage.



24. Accordingly, this petition is found devoid of merits and the same is hereby dismissed.

25. Petition disposed of. No costs.

Judge